

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

United States of America)	
v.)	
JORGE ROSARIO)	Case No: <u>04-CR-10051-001-PBS</u>
)	USM No: <u>25115-038</u>
Date of Previous Judgment: <u>04/08/2005</u>)	Mark Smith, Esq.
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 71 months months is reduced to 60 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>23</u>	Amended Offense Level: <u>21</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>60</u> to <u>71</u> months	Amended Guideline Range: <u>46</u> to <u>57</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

The initial sentence was imposed under a plea agreement pursuant to Fed. R. Crim. P. 11(c)(1)(c). The parties agreed to this sentence which is at the statutory mandatory minimum.

III. ADDITIONAL COMMENTS

Supervised Release term revised to 60 months. Conditions are amended to include the additional condition: First three months to be spent in a community corrections center, and defendant is required to comply with all rules and regulations of the facility throughout his residency.

Except as provided above, all provisions of the judgment dated 04/08/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: 03/21/2008

/s/ Patti B. Saris

Judge's signature

Effective Date: _____
(if different from order date)

Patti B. Saris

Printed name and title